

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANET ROE,
Plaintiff,

v.

MICHAEL REYNOLDS (in his
individual and official
capacities), and PATRICK
WITHROW (in his official
capacity),

Defendant.

No. 2:25-cv-01070-JAM-JDP

**ORDER DENYING DEFENDANT'S MOTION
TO DISMISS**

INTRODUCTION OF CASE/PROCEDURAL HISTORY

This case concerns the alleged grooming and sexual harassment of a minor by a San Joaquin County Deputy Sheriff, Sergeant Michael Reynolds. Plaintiff Janet Roe alleges that Sgt. Reynolds has previously engaged in inappropriate sexual conduct with younger women and is currently accused of violent sexual misconduct in a related proceeding. In addition to the claims against Sgt. Reynolds, Plaintiff Roe also asserts a Monell claim against Sheriff Patrick Withrow for failure to train, supervise, or discipline. See Compl., Count 2. Currently pending before

1 this Court is Sheriff Withrow's motion to dismiss. See Mot., ECF
2 No. 7-1. Sheriff Withrow moves to dismiss Plaintiff's Monell
3 claim for failure to state a claim and for being time-barred.
4 Id. Plaintiff Roe submitted an opposition, Opp'n, ECF No. 11,
5 and Withrow replied, Reply, ECF No. 12. For the reasons provided
6 herein, the Court DENIES Defendant Sheriff Withrow's motion to
7 dismiss.¹

8 I. FACTUAL ALLEGATIONS

9 The following facts alleged by Plaintiff Roe are accepted as
10 true for the purposes of Defendant's Rule 12(b)(6) motion.
11 Defendant Michael Reynolds was employed with the San Joaquin
12 Sheriff's Office until approximately February 2023 and used his
13 position as a law enforcement officer to gain access to Plaintiff
14 Roe, who was at the time a 16-year-old minor. Id. at ¶¶ 15, 20.
15 Beginning in mid-2022, Defendant Reynolds engaged in sexually
16 inappropriate conduct with Plaintiff Roe by sending sexually
17 explicit images of himself while he was on duty, making sexually
18 explicit comments to her, and asking invasive questions. Id. at
19 ¶¶ 18-23. At all relevant times of the sexual misconduct,
20 Patrick Withrow was the Sheriff of the San Joaquin Sheriff's
21 Office and had the authority to set and enforce policies
22 governing the terms and conditions of employment with the
23 Sheriff's Office. Id. at ¶ 9.

24 The misconduct by Defendant Reynolds took place
25 "contemporaneously" with Defendant Reynolds' sexual harassment
26 and assault of a San Joaquin Sheriff's Office employee Jane Doe,

27 ¹ This motion was determined to be suitable for decision without
28 oral argument. E.D. Cal. L.R. 230(g). The hearing was
scheduled for July 1, 2025.

1 "as documented in Case No. 2:24-cv-00899-CKD." Id. at ¶ 25.

2 Also, in 2018, a female San Joaquin coroner employee complained
3 of harassment by Reynolds in the form of him being "condescending
4 and creating daily frustration, stress, and anxiety." Id. at ¶
5 33. Despite being aware of Reynolds' misconduct, the San Joaquin
6 Sheriff's Office and Sheriff Patrick Withrow allowed Reynolds to
7 retire and failed to take any disciplinary actions or refer
8 Reynolds for criminal prosecution. Id. at ¶¶ 28, 38. As a
9 result of these incidents, Plaintiff Roe suffered severe
10 emotional distress, psychological trauma, and ongoing harms. Id.
11 at ¶ 29.

12 II. OPINION

13 A. Legal Standard

14 A complaint must make a "short and plain statement of the
15 claim showing that the pleader is entitled to relief." Fed. R.
16 Civ. P. 8(a)(2); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 545
17 (2007). A Rule 12(b)(6) motion challenges the sufficiency of a
18 complaint for "failure to state a claim upon which relief can be
19 granted." Fed. R. Civ. P. 12(b)(6). Under the plausibility
20 pleading standard set forth in Twombly, 550 U.S. at 570, a
21 plaintiff survives a motion to dismiss by alleging "enough facts
22 to state a claim to relief that is plausible on its face." The
23 complaint must contain sufficient "factual content that allows
24 the court to draw the reasonable inference that the defendant is
25 liable for the misconduct alleged." Ashcroft v. Iqbal, 556 U.S.
26 662, 678 (2009). This "plausibility standard," however, "asks
27 for more than a sheer possibility that a defendant has acted
28 unlawfully," Iqbal, 556 U.S. at 678, and "[w]here a complaint

1 pleads facts that are 'merely consistent with' a defendant's
2 liability, it 'stops short of the line between possibility and
3 plausibility of entitlement to relief.'" Id. (quoting Twombly,
4 550 U.S. at 557).

5 At the Rule 12(b)(6) stage, the Court must accept all
6 nonconclusory factual allegations of the complaint as true and
7 construe those facts and the reasonable inferences that follow
8 from them in the light most favorable to the Plaintiff. See
9 Knieval v. ESPN, 393 F.3d 1068, 1072 (9th Cir. 2005). However,
10 legally conclusory statements, not supported by actual factual
11 allegations, need not be accepted. Iqbal, 556 U.S. at 678-79
12 (2009). In the event dismissal is warranted, it is generally
13 without prejudice, unless it is clear the complaint cannot be
14 saved by any amendment. See Sparling v. Daou, 411 F.3d 1006,
15 1013 (9th Cir. 20

16 B. Analysis

17 1. Monell Claim Against Withrow (Count 2)

18 Sheriff Withrow contends that Plaintiff Roe has failed to
19 allege sufficient facts to support her Monell claims. See Mot.
20 at 3-7. Specifically, Withrow attacks Plaintiff's potential
21 theories of liability under Monell, arguing that Plaintiff Roe
22 cannot state claims for failure to train, discipline, or
23 supervise because she cannot point to similar past incidents.
24 Id. The Court disagrees.

25 A plaintiff may assert Monell liability against a public
26 entity based on allegations of: (1) an official policy; (2) a
27 "longstanding practice or custom which constitutes the standard
28 operating procedure of the local government entity"; (3) the act

1 of an "official whose acts fairly represent official policy such
2 that the challenged action constituted official policy"; or
3 (4) where "an official with final policy-making authority
4 'delegated that authority to, or ratified the decision of, a
5 subordinate.'" Price v. Sery, 513 F.3d 962, 966 (9th Cir. 2008)
6 (citations omitted).

7 A local government unit may not be held responsible for the
8 acts of its employees or officials under a respondeat superior
9 theory of liability. See Bd. of County Comm'rs v. Brown, 520
10 U.S. 397, 403 (1997). Rather, a government entity is liable for
11 deprivation of rights caused by its own official policies,
12 customs, or practices. Monell v. Dep't of Soc. Servs., 436 U.S.
13 658, 690 (1978). For example, the failure to punish officers
14 for misconduct can give rise to Monell liability. See Hunter v.
15 County of Sacramento, 652 F.3d 1225, 1236 (9th Cir. 2011). As
16 Plaintiff points out in her opposition at 4, this is aligned
17 with the notion that inaction by supervisors in the face of
18 unconstitutional behavior sanctions that behavior. See Scanlon
19 v. County of Los Angeles, 92 F.4th 781, 812 (9th Cir. 2024).

20 Plaintiff's Complaint includes several allegations that, in
21 aggregate, plausibly suggest a custom of failing to discipline
22 sexual misconduct. Under a failure to discipline theory, a
23 plaintiff must allege a practice that is so "persistent and
24 widespread" that it constitutes a "permanent and well settled
25 city policy." Trevino v. Gates, 99 F.3d 911, 918 (9th Cir.
26 1996) (citing Monell, 436 U.S. at 691). Here, Plaintiff Roe
27 alleges that the Sheriff's Office failed to take any
28 disciplinary action against Reynolds or refer him to criminal

1 investigation even after learning of his misconduct. See Compl.
2 at ¶¶ 28, 38.

3 Plaintiff also states that Sheriff Withrow was aware that
4 “prior to Reynolds’ misconduct . . . Reynolds had engaged in
5 inappropriate conduct toward female employees and citizens, yet
6 failed to take appropriate disciplinary or corrective action.”
7 Id. at ¶ 30. Moreover, Reynolds “openly bragged” about how
8 department officers backed each other against complaints by
9 women. Id. at ¶ 34. Ultimately, senior officials resigned,
10 citing this toxic culture. Id. at ¶¶ 35, 32.

11 Contrary to what Defendant Withrow argues, these facts
12 plausibly suggests that Sgt. Reynolds engaged in similar
13 instances of problematic conduct that went unpunished. See
14 Hunter v. County of Sacramento, 652 F.3d 1225, 1233 (9th Cir.
15 2011). At the pleading stage, plaintiff need not prove the
16 existence of such a custom, but merely allege sufficient facts
17 to make the claim plausible. See Starr v. Baca, 652 F.3d 1202,
18 1216 (9th Cir. 2011); see also AE ex rel. Hernandez v. County of
19 Tulare, 666 F.3d 631, 637 (9th Cir. 2012). Taking her
20 allegations as true and drawing all reasonable inferences in her
21 favor, Plaintiff Roe has successfully pled at least one theory
22 of Monell liability for failure to discipline. Accordingly, the
23 Court finds that her claim survives the motion to dismiss stage
24 and need not address Plaintiff’s potential other theories.

25 2. Statute of Limitations

26 Defendant also raises an argument that Plaintiff has not
27 pled enough facts to show that her claims are not time-barred.
28 See Mot. at 7. Plaintiff responds that the allegations of her

1 Complaint adequately support that her claims are timely. See
2 Opp'n at 2-3. The Court agrees with Plaintiff. Section 1983
3 claims are governed by the state statute of limitations for
4 personal injury. Soto v. Sweetman, 882 F.3d 865, 871 (9th Cir.
5 2018). The California limitations period for personal injury is
6 two years. See Cal. Civ. Proc. Code § 335.1. For minors, the
7 statute is tolled until age 18 such that for a minor, the
8 personal injury statute of limitations runs at age 20. See Cal.
9 Code of Civil Proc. § 352.

10 The Complaint states that Reynolds' misconduct began in
11 mid-2022, that Plaintiff was 16 at the time of the alleged
12 sexual misconduct, and that she filed her lawsuit within less
13 than two years of Plaintiff reaching age 18. Compl. at ¶¶ 6,
14 16, 17. Under these facts, the statute of limitations would run
15 in 2026 when Plaintiff reaches age 20. Plaintiff filed her
16 Complaint on April 10, 2025, well in advance of 2026. See ECF
17 No. 1. As such, the Court finds that Plaintiff has pled
18 sufficient facts to show that her claims are timely.

19 III. ORDER

20 For the reasons set forth above, the Court DENIES Defendant
21 Sheriff Withrow's motion to dismiss Count 2 of the Complaint
22 alleging Monell liability.

23 IT IS SO ORDERED.

24 Dated: July 30, 2025

25
26 
27 JOHN A. MENDEZ
28 SENIOR UNITED STATES DISTRICT JUDGE